

06/15/0012

MRS A BAKER

CONVERSION OF FIRST FLOOR SHOP (USE CLASS A1) TO RESIDENTIAL FOR FIRST FLOOR FLAT (USE CLASS C3) AT CHURCH HOUSE INTERIORS, WEST STREET, BISHOPS LYDEARD

Location: CHURCH HOUSE, 6 WEST STREET, BISHOPS LYDEARD,
TAUNTON, TA4 3AU

Grid Reference: 316780.129817

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 1 of 2 Existing Plans, Elevations & Block Plan
(A1) DrNo 2 of 2 Proposed Plans & Elevations
(A4) Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The new windows hereby permitted shall be timber and thereafter maintained as such unless agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy

Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The existing first floor retail area will be converted into a self contained two bedroom flat with two bathrooms, kitchen, dining, living and study areas. It has been determined during the course of the application that the change of use and conversion of the first floor area does not require planning permission, subject to a number of conditions being met, which they are in this instance.

Therefore, the application seeks permission for works relating to the conversion of a first floor to residential flat at Church Street Interiors, Bishops Lydeard, specifically the alteration to two windows, one within the first floor West elevation and one to the Northwest corner of the building at first floor level.

SITE DESCRIPTION AND HISTORY

The application site comprises a former public house that was previously granted permission for conversion to a retail premises with residential accommodation. The site is located within the centre of Bishops Lydeard and is surrounded by business, residential and ecclesiastical land uses. The building is of render and stone walls, slate roof and timber fenestration. The agent has confirmed that the first floor area is in use for retail with a small element of storage of goods.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - The Parish Council objects to the granting of permission for the following reasons:

- The conversion would contribute to the erosion of valuable commercial space in the village
- Such a conversion would contradict the emerging Bishops Lydeard and Cothelstone Neighbourhood Plan policies
- Likewise such a conversion would contradict the TDBC Technical Note: Policy Guidance for the change of use of rural service provision and conversion of existing buildings. This policy guidance requires considerable marketing of the premises before a conversion should be permitted. The Parish Council has not had sight of any evidence and is unaware of any such marketing.

Representations

2 letters of objection received from 1 neighbouring property making the following planning related comments:

- When previous permission granted to convert the public house a commercial tie between business and residential floorspace suggested but not enforced;
- Presume flat will be for present owners residence with such valuable stock on

- site and surely a commercial tie will be enforced this time;
- Applicants own the car park but right of access and parking in place for occupiers of 5 West Street;
 - Car park serves approx. 100 vehicles on Tuesday, Wednesday and Thursday and 150 on Friday and Saturday; right of access must be maintained;
 - Fail to see reduction in retail premises vehicle movements allowing ample parking for the flat as first floor has been empty since original approval.

PLANNING POLICIES

CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

Objections have been raised to the change of use of the first floor retail area to residential accommodation. Reasons for objection have been made and the loss of retail space is regrettable, however, as stated above, during the application process it has been determined that the use of the first floor area as a flat does not require planning permission. No restriction or tie was placed on the accommodation under the original planning permission and, therefore, the change of use does not fall to be considered.

Taking the above matter into consideration, the pertinent issue to consider is the impact of the fenestration alterations upon the character and appearance of the building and Conservation Area.

The window within the East elevation will be enlarged whilst that to the Northwest corner of the building within the North elevation will have a new casement installed. Both windows will have a different opening mechanism in order to allow emergency access as required by building regulations. Subject to the windows being of matching materials and finished colour to the existing fenestration, the proposals are considered to maintain the character and appearance of the building and Conservation Area.

Taking the above matters into consideration, it is recommended that planing permission be granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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